

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

DONALD C. HILLMAN and MICHAEL E.  
MECSAS,

Plaintiffs

v.

Civil Action No. 03cv12345 RGS

SCHNADER HARRISON SEGAL & LEWIS, LLP,  
*et al.*

Defendants

**DEFENDANTS' MOTION FOR JUDGMENT ON THE PLEADINGS  
AND/OR FOR SUMMARY JUDGMENT**

Defendants, Schnader Harrison Segal & Lewis LLP ("Schnader"), Robert L. Collings, Marilyn Z. Kutler, David Smith, Ralph G. Wellington, Margaret S. Woodruff, and all other partners of Schnader Harrison Segal & Lewis named as defendants<sup>1</sup> ("defendants") hereby move

<sup>1</sup> James E. Abraham, Elizabeth K. Ainslie, Lindsey D. Alton, Stephen J. Anderer, Thomas D. Arbogast, John M. Armstrong, Richard A. Barkasy, Jeanne Schubert Barnum, Peter H. Beaman, David R. Berk, Jeffrey I. Bernstein, Michael G. Bock, Arthur N. Brandolph, Barry E. Bressler, Gregory W. Buhler, Andrea Hyatt Callan, M. Christine Carty, Marc S. Cornblatt, Ronald S. Cusano, Albert S. Dandridge III, Kenneth R. DeRosa, Benjamin P. Deutsch, Joseph J. Devine, Diana S. Donaldson, Stephen H. Dye, Jeffrey L. Eichen, Robert D. Feder, Walter B. Ferst, Elise A. Fialkowski, Glenn D. Fox, John K. Gisleson, Allan D. Goodridge, Peter S. Greenberg, Megan E. Harmon, Cristopher Charles Hoel, Jennifer DuFault James, Anne E. Kane, Ronald E. Karam, David E. Kenty, Richard W. Kessler, Wilber L. Kipnes, Joan T. Kluger, Bernard B. Kolodner, Peter C. Langenus, Nicholas J. LePore III, Jeffrey W. Letwin, Saul Levit, Dionna K. Litvin, Theresa E. Loscalzo, William J. Maffucci, Michael J. Mangan, Edward J. McBride, Jr., George E. McGrann, Martin Mendelsohn, James R. Meyer, Albert Momjian, Mark A. Momjian, Alexander P. Moon, Leo J. Murphy, Michael G. Neri, Judith F. Olson, Nicholas N. Price, Neil Proto, Kenneth R. Puhala, Nicole M. Reimann, Kenneth I. Rosenberg, Bruce A. Rosenfield, Denna Jo Schneider, Allan B. Schneirov, H. Lee Schwartzberg, Jr., J. Denny Shupe, Samuel W. Silver, Eric T. Smith, Carl A. Solano, J. Robert Stoltzfus, Clinton A. Stuntebeck, Dennis R. Suplee, Sherry A. Swirsky, Jerry L. Tanenbaum, Paul N. Tauger, Gregory H. Teufel,

for judgment on the pleadings and/or for summary judgment on the following claims: (1) Meccas's and Hillman's claims against the individual partner defendants in this action; (2) Meccas's and Hillman's claims against the defendants for acceleration of the repayment of their capital accounts; (3) Meccas's claim for any deferred compensation; and (4) Hillman's claim for accelerated deferred compensation. The grounds for this motion are set forth in the accompanying Memorandum of Law in Support of Defendants' Motion for Judgment on the Pleadings and/or for Summary Judgment, Statement of Undisputed Material Facts in Support of Defendants' Motion for Judgment on the Pleadings and/or for Summary Judgment and Declaration of Diana S. Donaldson in Support of Defendants' Motion for Judgment on the Pleadings and/or for Summary Judgment, all filed contemporaneously herewith.

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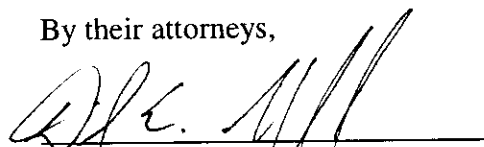
Paul H. Titus, George N. Tompkins III, Anthony J. Watkins, Nancy M. Weinman, Stewart M. Weintraub, Keith E. Whitson, Nancy Winkelman, Maureen C. Zemel. Richard Fineman and William L. Leonard are named as defendants but have not been properly served and thus are not before the Court.

**REQUEST FOR ORAL ARGUMENT**

Pursuant to Local Rule 7.1, defendants hereby respectfully request that the Court schedule oral argument on the foregoing motion.

SCHNADER HARRISON SEGAL & LEWIS  
LLP, ROBERT L. COLLINGS, MARILYN Z.  
KUTLER, DAVID SMITH, RALPH G.  
WELLINGTON, MARGARET S. WOODRUFF  
and ALL OTHER PARTNERS OF SCHNADER  
HARRISON SEGAL & LEWIS LLP

By their attorneys,

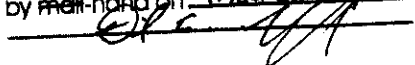


Michael DeMarco (BBO #119960)  
Daniel E. Rosenfeld (BBO #560226)  
Kirkpatrick & Lockhart LLP  
75 State Street  
Boston, MA 02109  
(617) 261-3100

Dated: March 26, 2004

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the  
above document was served upon the  
attorney of record for each other party  
by mail-hand on March 26, 2004



## Kirkpatrick & Lockhart LLP

75 State Street  
Boston, MA 02109-1808  
617.261.3100  
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March 26, 2004

### Via Hand Delivery

Clerk for Civil Business  
United States District Court  
District of Massachusetts  
1 Courthouse Way  
Boston, MA 02210

Daniel E. Rosenfeld  
617.951.9112  
Fax: 617.261.3175  
drosenfeld@kl.com

Re: Donald C. Hillman, et al. v. Schnader Harrison Segal & Lewis, LLP, et al.,  
C.A. No. 03cv12345 RGS

Dear Sir or Madam:

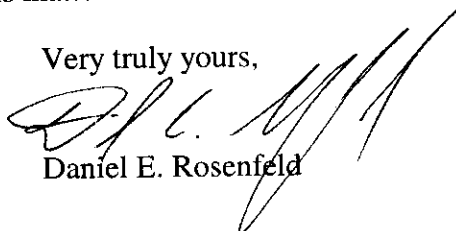
I am enclosing for filing and docketing in the above captioned case the following:

1. Defendants' Motion for Judgment on the Pleadings and/or for Summary Judgment;
2. Memorandum of Law in Support of Defendants' Motion for Judgment on the Pleadings and/or for Summary Judgment;
3. Statement of Undisputed Material Facts in Support of Defendants' Motion for Judgment on the Pleadings and/or for Summary Judgment; and,
4. Declaration of Diana S. Donaldson in Support of Defendants' Motion for Judgment on the Pleadings and/or for Summary Judgment.

To acknowledge receipt, please date-stamp the enclosed extra copy of this letter and return to the waiting messenger.

Thank you for your attention to this matter.

Very truly yours,



Daniel E. Rosenfeld

DER/mas  
Enclosures

cc: Robert C. Gerrard, Esq. – Via Hand Delivery  
Michael DeMarco, Esq.

BOS-667212 v1 0516430-0901